

USSN: 10/024,625

Conf. No. 3998

**REMARKS**

In the Restriction Requirement dated November 28, 2005, the Examiner required election of one of the following inventions:

Species I: As shown in Fig. 4 and 4A, which is directed towards a suture grasper comprising a piston positioned slidably within the device; or

Species II: As shown in Fig. 3 and 3A, which is directed towards a suture grasper comprising a pod on a distal working end of the device.

The Examiner further notes that at least claims 1 and 20 are generic.

For the purpose of responding to the Restriction Requirement, Applicant hereby elects invention of Species II, drawn to Figures 3 and 3A and described by the Examiner as comprising a pod on a distal working end of the device, without traverse.

Applicant submits that claims 1, 3 to 7, 20, 21, 23, 24, 26, 27 and 34 are generic, claims 25 and 28 to 33 are drawn to the elected species having a pod, and claim 8 is drawn to the non-elected species having a piston. Accordingly, claims 1, 3 to 7, 20, 21, and 23 to 34 (all of the claims except for claim 8) will remain pending for the purpose of further examination.

The Examiner notes in the office action that, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species that are written in dependent form. To that end, Applicant amends claim 8 herein to place it in dependent form, depending from claim 1. Applicant submits that the allowance of claim 1 should entitle Applicant to consideration of claim 8 pursuant to 37 C.F.R. 1.141.

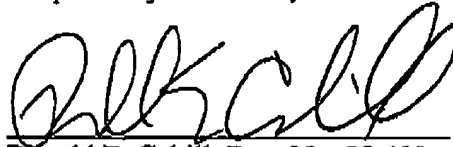
USSN: 10/024,625

Conf. No. 3998

If the Examiner believes that an interview would facilitate the resolution of any outstanding issues, he is kindly requested to contact the undersigned.

Dated: December 23, 2005

Respectfully submitted,



Ronald E. Cahill, Reg. No. 38,403  
Attorney For Applicants  
NUTTER MCCLENNEN & FISH, LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, Massachusetts 02210-2604  
Tel. (617) 439-2782  
Fax (617) 310-9782

1488750.1